

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 UNITED STATES OF AMERICA,

CASE NO. 2:22-cr-00009-LK-1

12 Plaintiff,

ORDER GRANTING MOTION TO
CONTINUE TRIAL DATE

v.

13 JOSE LEONEL GUICHO-ACOSTA,

14 Defendant.

15
16 This matter comes before the Court on Defendant Jose Leonel Guicho-Acosta's motion
17 seeking a continuance of the trial date and the pretrial motions deadline. Dkt. No. 20. Guicho-
18 Acosta requests that the trial date be continued from April 4, 2022 to July 11, 2022,¹ and has
19 waived his rights to a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161, through July 25,
20 2022. Dkt. No. 21. The motion is unopposed by the Government.² Dkt. No. 20 at 2.

21
22 ¹ In his waiver, Guicho-Acosta consents to continue his trial date "to" July 25, 2022. Dkt. No. 21 at 1. However, the
23 new trial date that he proposed in his motion is July 11, 2022, Dkt. No. 20-1 at 2, and that date was confirmed as
24 acceptable to the Court pursuant to the Court's Standing Order for All Criminal Cases, Dkt. No. 19 at 2. The Court
therefore presumes that Guicho-Acosta intended to waive his speedy trial date *through* July 25, 2022—two weeks
beyond the requested date—consistent with the requirements of the Standing Order.

2 ² Guicho-Acosta captioned his motion as a "Stipulated Motion," Dkt. No. 20 at 1, but it was not signed by the
Government. Only motions signed by both parties should be captioned as stipulated motions.

Based on the facts set forth in the motion and the record in this case, the Court finds that the ends of justice would best be served by granting the requested continuance. A continuance is necessary to ensure that the defense has adequate time to prepare effectively for trial. *See* 18 U.S.C. § 3161(h)(7)(A). The Court finds that these ends outweigh the best interests of the public and the defendant in a speedy trial. *See id.* The Court granted Guicho-Acosta’s motion to substitute new defense counsel on February 2, 2022, when attorney George Paul Trejo, Jr. was substituted as the attorney of record. Dkt. No. 15. Guicho-Acosta’s motion states that defense counsel needs additional time to consult with the defendant and to prepare for pretrial motions and trial. Dkt. No. 20 at 2–3. A failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv). For these reasons, the failure to grant a continuance would also be likely to result in a miscarriage of justice within the meaning of 18 U.S.C. § 3161(h)(7)(B)(i).

For the foregoing reasons, the motion is GRANTED. The trial date shall be continued from April 4, 2022, to July 11, 2022. Pretrial motions are to be filed no later than May 30, 2022. It is further ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the current trial date of April 4, 2022 until July 25, 2022, two weeks beyond the new trial date, is EXCLUDED when computing the time within which the trial must commence under the Speedy Trial Act.

Dated this 24th day of February, 2022.

Lauren King
Lauren King
United States District Judge